

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL ALEXANDER, Plaintiff, v. ACCEPTANCE NOW, <i>et al.</i> Defendants.)))))))	Case No. 1:22-cv-338
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MEMORANDUM ORDER

This *pro se* civil action was initiated in the Court of Common Pleas of Erie County, Pennsylvania by Plaintiff Michael F. Alexander against thirteen Defendants, based on alleged violations of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C 1681, *et seq.*, the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. 1692, *et seq.*, and the Equal Credit Opportunity Act (“ECOA”), 15 U.S.C., §1691. The matter was removed to this Court on November 4, 2022 and referred to Chief United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Civil Rule 72.

Pending before the Court is a motion to dismiss for failure to prosecute filed by Defendant First Premier Bank. ECF No. 107. On January 15, 2025, Judge Lanzillo issued a report and recommendation (“R&R”) in which he opined that the motion should be granted. ECF No. 112. Judge Lanzillo further recommended that Plaintiff’s claims against Defendant Rent-a-Center East, Inc. (erroneously designated as “Acceptance Now”) be dismissed for lack of prosecution. Although the latter claims were previously stayed pending the disposition of compelled arbitration, it appears that Plaintiff never made a demand for arbitration or showed good cause for failing to do so. After considering the various factors set forth in *Poulis v. State Farm Fire & Casualty Company*, 747 F.2d 863 (3d Cir. 1984), Judge Lanzillo concluded that, on

balance, the relevant factors weighed in favor of dismissal of the remaining claims as a punitive sanction.

Objections to the R&R were due on or before February 3, 2025. To date, no objections have been received.

Accordingly, after *de novo* review of the operative pleading and documents in the case, including the Capital One Defendants' pending motion and the Chief Magistrate Judge's Report and Recommendation,

IT IS ORDERED, this 13th day of February, 2025, that the motion to dismiss for failure to prosecute filed by First Premiere Bank, ECF No. [107] is GRANTED and, accordingly, all claims in this case against First Premiere Bank shall be, and hereby are, DISMISSED with prejudice.

IT IS FURTHER ORDERED that, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, all claims against Rent-a-Center East, Inc., erroneously designated as "Acceptance Now," shall be, and hereby are, DISMISSED with prejudice, based on Plaintiff's failure to prosecute said claims.

IT IS FURTHER ORDERED that the Report and Recommendation of the Chief United States Magistrate Judge issued on January 15, 2025, ECF No. [112], is adopted as the Opinion of this Court.

There being no other matters pending before the Court in the above-captioned case, the Clerk is directed to remove the "STAYED" flag on this case and mark this civil action "CLOSED."



Susan Paradise Baxter
United States District Judge